IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14443 of 2004

Between:

Mohammed Quasim Ali, S/o Mohammad Moulana,
R/o Bangaregadda, Miryalaguda, Nalgonda District

..... PETITIONER

AND

Passport Officer, Regional Passport Office, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction and more particularly one in the nature of Writ of Mandamus directing the respondent to accept the fresh Passport Application from the petitioner with the revised date of birth as 4-9-1956 and to issue him passport accordingly.

Counsel for the Petitioner:MR.BATHINI PAPA RAO

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER:

The petitioner herein obtained Passport from the respondent bearing No.G 783092. Petitioner's date of birth was recorded in the said Passport as 4.9.1949. The petitioner alleges that his actual date of birth is 4.9.1956. Therefore, he approached the Miryalguda Municipality and obtained certificate duly registering his date of birth as 4.9.1956. Thereafter, he approached the respondent to issue passport afresh recording his correct date of birth, in vain. Hence, he filed the present Writ Petition.

Learned counsel for the petitioner, Sri Papa Rao, placed reliance on the judgment of this Court in **Ali Imran v. Regional Passport Officer, Secunderabad** wherein it was laid down as under.

> Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, however, the petitioner cannot be said to have any grievance even if fresh passport is not issued. As per provisions of Section 13 of the Registration of

Births and Deaths Act, 1969 (for short, the Act), every birth or death has to be registered within thirty days of its occurrence, or within one year with the written permission of the prescribed authority on payment of prescribed fee. If the birth or death is not registered within one year, as mentioned herein, the birth or death can only be registered by competent authority only on an order made by Magistrate of First Class after verifying the correctness of birth or death. In this case, though the petitioner has obtained birth certificate from Miryalguda Municipality, the same is not supported by any order made under Section 13(3) of the Act. Therefore, the petitioner has to approach the Executive Magistrate for appropriate orders to Municipality which can register the birth only thereafter. Based on the certificate issued by the Municipality, in which the petitioner's date of birth was registered only on 7.7.2004, no direction can be issued to the respondent. The petitioner is given liberty to approach the Executive Magistrate for appropriate orders in the matter.

The Writ Petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO, J)

16.8.2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Passport Officer, Regional Passport Office,

Clock Tower, Secunderabad.

2.2CD copies